

E-Filed 9/30/2009

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CHIN-LI MOU,

Plaintiff,

v.

WEST VALLEY COLLEGE, et al.,

Defendants.

Case Number C 09-1910 JF (RS)

ORDER VACATING HEARING ON
MOTION FOR RELIEF FROM
JUDGMENT

Plaintiff Chin-Li Mou, proceeding *pro se*, has filed a motion for “relief from judgment – fraud and misconduct” against Defendants West Valley College and several of its employees. Given that there is no final judgment in the instant case, this Court will treat Plaintiff’s motion as a motion for reconsideration of the Court’s recent order denying Plaintiff’s motion for a preliminary injunction. *See* Civil L.R. 7-9 (b); *contra*, Fed. R. Civ. Proc. 60(b). It appears that prior to June 26, 2009, the date of the hearing on the motion for preliminary injunction, Plaintiff had not seen Defendants’ opposition papers because of Defendants’ counsel’s mistaken belief that Plaintiff had registered for electronic case filing. Notwithstanding counsel’s error, which appears to have been made in good faith, Plaintiff’s papers in support of the instant motion include a substantive reply to Defendant’s earlier opposition papers. Accordingly, the Court will vacate the hearing scheduled for Friday, October 2, 2009 and will reconsider the merits of the

1 motion for a preliminary injunction in light of Plaintiff's additional briefing. Pursuant to Civil
2 L.R. 7-1(b), and in light of the fact that the Court already has heard oral argument concerning the
3 circumstances of Plaintiff's suspension from West Valley College and subsequent administrative
4 appeal of that suspension, the Court deems the matter appropriate for submission without further
5 oral argument.

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7 IT IS SO ORDERED.

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9 DATED: September 30, 2009

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JEREMY FOGEL
United States District Judge

1 This Order has been served upon the following persons:

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